



Little Traverse Bay Bands of Odawa Indians  
7500 Odawa Circle, Harbor Springs, MI 49740  
Council Chambers  
Land and Reservation Committee  
March 2, 2018

Call to order: 9:17 a.m.

Committee Member Roll Call: Treasurer Marcella Reyes, Councilor David Harrington, Councilor Emily Proctor

Absent: none

Tribal Council Present: Councilor Dexter McNamara

Legislative Staff Present: Legislative Services Attorney Donna Budnick, Senior Financial Analyst Rachel Cope, Legislative Administrative Assistant Linda Gokee, Tribal Historic Preservation Officer Wes Andrews, Deputy Tribal Historic Preservation Officer Melissa Wiatroluk

Executive Staff/Official Present: Ziibimijwang, Inc. Chair Joseph VanAlstine and Board Member Kevin Donner, Environmental Services Manager Daugherty "Duffy" Johnson, Odawa Economic Development Management, Inc. Vice-President Alan Proctor

Judicial Staff/Official Present: none

Guests: none

Public: none

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**Motion** made by Councilor David Harrington and supported by Councilor Proctor to adopt the agenda for March 2, 2018 as amended.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to approve the Minutes of January 19, 2018 as corrected.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

**Phone Polls:** none

**New Business**

**9:34 a.m. Motion** made by Councilor David Harrington and supported by Councilor Proctor to

go into Closed Session for new land purchase.  
Comments: none  
Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

**10:11 a.m. Motion** made by Councilor David Harrington and supported by Councilor Proctor to return to Open Session.  
Comments: none  
Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

**10:11 a.m.** Break  
**10:31 a.m.** Meeting resumes

**Discussion:** Verbal Ad-Hoc Affordable Housing and Land Use update presented by Councilor Harrington. Their next meeting will be held on Friday, March 16, 2018 at 10:00 a.m. It was challenging to confirm all of parties involved to meet as they had prior commitments. The Executive branch is recommending Chief Financial Officer Carrie Carlson to attend. Councilor Harrington recommends Senior Financial Analyst Rachel Cope attend as well. Legislative Services Attorney Donna Budnick will send out an agenda for this upcoming meeting.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to assign Land Parcel #111.  
Comments: none  
Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

**Discussion:** Waganakising Donated Land Acceptance policy. Legislative Services Attorney Donna Budnick reviewed the language in this policy with the Land and Reservation Committee members. Standard Phase I Assessments shall be completed on all land purchases and donations. Further information needs to be sought from General Counsel Jim Bransky regarding the potential land donation from a Tribal Citizen.

**Discussion:** Election of a Land and Reservation Committee Secretary. Councilor Harrington nominates Councilor Proctor as Secretary. Councilor Proctor accepts the nomination.

**Motion** made by Treasurer Reyes and supported by Councilor David Harrington to appoint Councilor Proctor to the Land and Reservation Committee Secretary position.  
Comments: none  
Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

## **OLD BUSINESS**

**Discussion:** Verbal update on the May 11, 2018 Three Tribes Spring Meeting as presented by Legislative Services Attorney Donna Budnick. Hogen Adams will be present to discuss their expert report. The Executive Legal Assistant Su Lantz has been assigned to organize and plan this meeting to include booking the conference room at the Odawa Hotel, room blocks, lunch, invitation of attendees and to finalize an agenda.

**Discussion:** Verbal update on the Waawaashkesh property as presented by the Tribal Historic Preservation Office Wes Andrews. The archeological survey for this property is to begin the first week of April with the assistance of Misty Jackson, PhD, Deputy Tribal Historic Preservation Officer Melissa Wiatrolik and other LTBB Staff members as Wes will not be completing the field work. The northern portion of this property will be surveyed but the southwestern portion is partial wetlands and will not be included in this study. The field study will take two weeks to complete with an additional two weeks for the written report. Wes will continue to work Natural Resources Department Conservationist Noah Jansen with regards to the logging of trees.

-The goal of the Tribal Historic Preservation office is to be “ahead” of the Planning Department before proposed development is completed. Archeological surveying of Tribal properties is required. It is the responsibility of this office to determine, if any, what is there, what it is, and the nature of its significance.

-Upcoming archeological survey will commence, in order of interest, on the Cemetery Road and Second Street properties. A tentative begin date is scheduled for April 2018, however the ground must be thawed 1-1 ½ feet down. Due to the uncertainty of northern Michigan weather, this study may have to begin in May.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to acknowledge the receipt of the verbal update on the Waawaashkesh property by the Tribal Historic Preservation Officer Wes Andrews as presented on March 2, 2018.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent

Motion Carried.

**Discussion:** Ziibiimijwang, Inc. Proposed Bells Land use as presented by board members Kevin Donner and Joe VanAlstine. A PowerPoint and handout of ‘*A Vision of the Odawa Market*’ was submitted for the farm’s proposed usage. Keypoints of the were:

-Ziibiimijwang, Inc. has access to resources,

-The existing building on the Bells property as value.

-Garrett Steiner of Indian Health Service (I.H.S.) inspected the building and his findings was the building can be used for food related services, however, health and safety issues must be addressed. He is willing to assist in pursuing funding for building infrastructure and his expertise in this field.

-The sewage and plumbing has failed due to fish scales. Continuous pump replacements occurred due to the pump not being able to handle this type of disposal. The sewage line to the street may be crushed, the Tribe has legal access to this line for repair.

-Mackinaw City Officials are supportive of the Tribe’s proposed farm market.

-The zoning ordinance for food service is grandfathered in and is still active for the “season” for this property site. In order to continue the grandfather clause, the Tribe must open it’s farm market by June 2018.

-A second option is planned by the Odawa Economic Development Management, Inc. for developmental use.

-Wholesale products can/will be purchased and will be resold using standard retail approaches.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to acknowledge receipt of the verbal and written Ziibiimijwang, Inc. Bells Land Use presentation by Ziibiimijwang, Inc. Board Member Kevin Donner as presented on March 2, 2018.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

**Discussion:** Bells contamination and trust application process as presented by Environmental Services Manager Daugherty “Duffy” Johnson. Soil and ground water contamination is present on the Bells property and the parcel adjacent (south of Bells) now known as Conkling Heritage Park. The park parcel was formerly owned by Aurora Oil Company, then Marathon Petroleum Oil Company Terminal, and currently is owned by the State of Michigan. The petroleum contamination stems from the former companies’ above ground oil holding tanks. The Tribe’s Environmental Phase I study acknowledged the holding tanks. The Phase II study resulted in the finding of petroleum contamination well above the limit. The Bureau of Indian Affairs requires the Tribe to remove the contaminants before the Trust Application can begin. Duffy is currently looking into grants to remove the contamination, most require a 50/50 match. On a further note, no new water wells can be sunk due to the contamination. Water for cooking, bathing, etc. is supplied by the Mackinaw City Municipal Water System. There are several options the Tribe could take to remove the contamination which includes:

- Clean the “one” well,
- Build a barrier wall between Bells and the State of Michigan’s Conkling Heritage Park,
- Remove the contaminated soil (cheapest solution),
- No new wells for drinking water,
- Engage in a law suit against the State of Michigan for pollution as their property is responsible for the contamination.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to acknowledge the receipt of the verbal report on the Bells Contamination and Trust Application Process by Environmental Services Manager Daugherty “Duffy” Johnson as presented on March 2, 2018.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

**Discussion:** Odawa Economic Development Management Inc. (OEDMI) Land Use of Bells as presented board member Alan Proctor. First, Alan supports Ziibimijwang’s proposed land use, however, he would like to see a smaller food processing operation at Bells with a more larger food hub off site. He is in agreement of having this Tribally owned property in trust if used for Ziibimijwang’s proposed development. OEDMI’s proposed land use would be for a parking lot. The existing building would need to be bulldozed down. A gate and security provisions would need to be installed. The board is in agreement of not losing the Tribes grandfathered in zoning provision and therefore would consider having food trucks, fish processing, and food storage to keep it active. However, this may not satisfy the Zoning Board. On a further note, Mackinaw City is seeing an increase in tourism and the Tribe needs to capitalize on it.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to acknowledge the receipt of the verbal and written report on Bells Land Use proposed by the Odawa Economic Development Management, Inc. Vice-President Alan Proctor as presented on March 2, 2018.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 - Absent  
Motion Carried.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to approve Certified Motion Reversion of Land Use of Bells.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to approve Certified Motion Designated Land Use of Bells and Assignment to Ziibimijwang, Inc.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

Discussion: Lease Inheritance Statute. Additional verbiage added by Legislative Services Attorney Donna Budnick.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to post Waganakising Odawak Statute 2018-001 Lease Inheritance Statute as sponsored by the Land and Reservation Committee.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

**Discussion:** Suggestions for survey to be presented at the Community Meeting with key points in regards to what the Tribal Citizens of Little Traverse Bay Bands would like for the Tribes Housing. Treasurer Reyes would like the survey to be numbered as she is willing to donate prizes to citizens who complete the short survey. Questions for the survey would include: Which properties would you like housing on and why, what housing options would you choose and why, would you prefer/not prefer mixed housing and why. Direction, via the Executive, for Housing Director John Givens and Planning Director Amanda Swiss to produce the survey and keep track of the results.

**Discussion:** Storage unit (s) for Tribal housing. Treasurer Reyes is requesting feed back from the housing occupants of what they need and/or want. Direction, via the Executive, to direct Housing Director John Givens to ascertain this information and report the outcome at the next Land and Reservation meeting to be held on Friday, April 13, 2018.

#### **Public Comment**

**12:43 p.m.** Public Comment Opens

- No Comments

**12:43 p.m.** Public Comment Closed

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to pursue Land Parcel #111.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

**12:44 p.m. Motion** made by Councilor David Harrington and supported by Councilor Proctor to adjourn.

Comments: none

Vote: 3 – Yes, 0 – No, 0 – Abstain, 0 – Absent

Motion Carried.

**Next Meeting Date:** May 11, 2018

**Note:** The regular scheduled Land and Reservation meeting for Friday, April 13, 2018 at 9:00 a.m. was cancelled due to a lack of agenda.

APPROVED